

and will be empty in 20 years. Sustainability is the key to a strong community.

Louis Jeffrey Hanes, of 3405 S. Hamilton, worked with Mr. Stebelton on the imminent domain issue and Mr. Stebelton is refusing to pay him until he is paid by the Village. He wants to know who to talk to to get paid.

Mr. Hollins noted that is there hasn't been a hearing yet, there will be one set soon. We have attempted to negotiate through an attorney and currently have an offer on the table, but we have to work through his attorney and talks are still ongoing.

Pete Stebleton stated that he doesn't believe he had a choice to not go to court. The offer to settle doesn't seem right. He doesn't get a penny for all of the aggravation he has gone through.

Mr. Paini asked if there were invoices that the attorneys were going through. Mr. Hollins stated that they have offered what would amount to about 4/5 of what they were asking. We legitimately had questions about some attorney fees that pre-dated the litigation. Detailed correspondence has been going back and forth but a response has not been received from Mr. Stebleton's attorney.

Mrs. Turner clarified that the surveyor, Mr. Hanes, was not hired by the Village, but by Mr. Stebleton.

Mr. Jarvis asked if the surveyor fees are part of the money that is being contested. Mr. Hollins stated that there was one land planner that the court said was not qualified to testify about the land plan, though he doesn't know if it was Mr. Hanes or the other gentleman, and they take issue with the charges for a surveyor that wasn't qualified to testify.

Mr. Paini asked what the ETA was on getting this resolved. Mr. Hollins stated that they would love to speak to Mr. Stebleton's attorney but Mr. Stebleton has to give his attorney permission to do that. We are probably \$13,000 short on a total \$60,000 bill and would be willing to pay out the uncontested portion right now, but the additional \$13,000 is something that the Village believes should be looked into. Further discussion ensued.

ORDINANCES:

FIRST Reading

Sponsor: Mr. Jarvis
O-09-08A AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH ROBERT E. CURTIN, JR. TO PROVIDE INCOME TAX COMPLIANCE SERVICES FOR THE VILLAGE.

Mr. Jarvis read the ordinance. First reading only.

Sponsor: Mr. Deeds
O-09-08B AN ORDINANCE TO AMEND THE 2008 APPROPRIATION ORDINANCE 77-07
Amendment #3

Mr. Deeds read the ordinance. First reading only.

SECOND Reading

Sponsor: Dr. Bender

O-08-08H	AN ORDINANCE AUTHORIZING THE MAYOR TO SEEK FINANCIAL ASSISTANCE FROM THE SCIP/LTIP FOR FUNDING OF A CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECT, GENDER ROAD & WINCHESTER BOULEVARD INTERSECTION IMPROVEMENTS AND DECLARING AN EMERGENCY
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Dr. Bender read the ordinance and moved to suspend the rules for a third reading. Mrs. Rush-Ekelberry seconded the motion. (This is part of a grant application that is due September 8th)

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
 Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Dr. Bender moved to adopt Ordinance 46-08. Mrs. Mershon seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
 Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

THIRD Reading

Sponsor: Mr. Paini

O-08-08A AN ORDINANCE TO REPLACE CHAPTERS 1101 THROUGH 1129 PLUS APPENDICES A, B, C, D AND E INCLUSIVE OF THE CODIFIED ORDINANCES BY ADOPTING NEW SUBDIVISION REGULATIONS

Mr. Paini read the ordinance and moved to adopt 47-08. Dr. Bender seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Sponsor: Mrs. Mershon

O-08-08B AN ORDINANCE TO ADOPT THE STORMWATER DESIGN MANUAL

Mrs. Mershon read the ordinance and moved to adopt 48-08. Mrs. Turner seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
 Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Sponsor: Mrs. Mershon

O-08-08C AN ORDINANCE TO AMEND CHAPTER 1175 OF THE CODIFIED ORDINANCES BY
ADOPTING THE STREAM CORRIDOR PROTECTION POLICY AND STREAM
CORRIDOR PROTECTION ZONE

Mr. Jarvis asked if this had been amended to a 35' minimum. It had not yet, but Mr. Farst presented a new map with the 35' minimum and floodways shown. Discussion ensued regarding the specifics of the map.

Mr. Jarvis moved to amend the corridor to a 35' minimum. Mrs. Turner seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Mrs. Mershon moved to adopt 49-08 as amended. Mr. Paini seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Sponsor: Mr. Paini

O-08-08E AN ORDINANCE TO UPDATE THE FEES TO BE ASSESSED FOR THE CANAL
WINCHESTER MAYORS COURT.

Mr. Paini read the ordinance and moved to adopt 50-08. Mrs. Mershon seconded the motion.

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

RESOLUTIONS

SECOND Reading

Sponsor: Mr. Paini

R-08-08B A RESOLUTION TO ADOPT THE FIVE YEAR CAPITAL IMPROVEMENTS
PLAN/MAINTENANCE OF EFFORT FOR THE CALENDAR YEARS 2009-2013 FOR
THE VILLAGE OF CANAL WINCHESTER OHIO

Mr. Paini read the resolution and requested to suspend the rules for third reading. Mr. Deeds seconded the motion. (This is part of a grant application that is due September 8th)

VOTE: **AYES** Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,
Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Council Reports:

Old Town Committee	Monday, September 8, 2008 at 5:45 PM
Finance Committee	Monday, October 6, 2008 at 5:45 PM
Service Committee	Monday, September 15, 2008 at 5:45 PM
Safety Committee	Monday, September 8, 2008 at 5:00 PM

New Business: None at this time

Old Business: Mrs. Turner asked about apartments that are being developed on Groveport Rd. She wanted clarification that they are truly apartments and not condos. Mr. Jarvis stated that it is not a zoning issue so that unless P&Z do not accept the plans and appeal to Council, Council has no say in the matter.

Mrs. Turner asked if there was another way that Council could take a look at that. It was stated there was not.

Mr. Deeds asked if there was a density, building materials, etc review that will still have to go through Planning and Zoning. Mr. Hollins stated there was and that there may be an appeal process, like a staff appeal process.

Mrs. Turner believes it is a mistake for us to get into apartments. Mr. Jarvis concurs.

Mr. Deeds suggested that people find a Planning and Zoning employee and let them know their opinion.

Mr. Jarvis added that there should be a designation between apartments and condos in the zoning code.

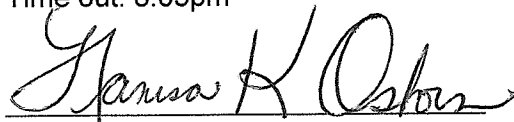
Mrs. Turner will sponsor any legislation that will allow them to revisit the zoning.

Adjourn to Executive Session: Not needed tonight.

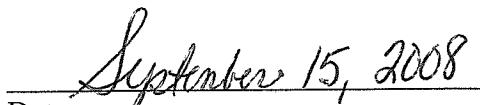
Adjournment:


Mr. Paini moved to adjourn the meeting. Mrs. Turner seconded the motion.

Time out: 8:05pm


Clerk of Council


President of Council


Date


Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.